

# CRIMINAL YEAR SEMINAR

**April 30, 2021  
Webinar**



## **US Supreme Court Law Update**

Prepared By:

**Robert McWhirter**  
Certified Specialist in Criminal Law

Distributed By:

**ARIZONA PROSECUTING ATTORNEYS' ADVISORY  
COUNCIL**

3838 N. Central Ave., Suite 850  
Phoenix, Arizona 85012

And

**CLE WEST**

5130 N. Central Ave  
Phoenix, AZ 85012

**OCTOBER TERM 2020  
(2020 and early 2021 cases)  
SUPREME COURT OF THE UNITED STATES**



**LAW OFFICES OF  
Robert J. McWhirter**

**UNITED STATES v. COOLEY**, No. 19-1414 – Argued March 23, 2021  
**Issue:** Did lower courts err suppressing evidence because a tribal officer lacked authority to temporarily detain and search a non-Indian on a reservation for a violation of state or federal law.

**TORRES v. MADRID**, No. 19-292 – Decided March 25, 2021  
**Issue:** Is there a 4<sup>th</sup> Amendment “seizure” when the police shoot a fleeing suspect who is injured by the bullets but does not stop?

**LANGE v. CALIFORNIA**, No. 20-18 – Argued February 24, 2021  
**Issue:** Whether the pursuit of a person whom a police officer has probable cause to believe has committed a misdemeanor categorically qualifies as an exigent circumstance sufficient to allow the officer to enter a home without a warrant.

**CANIGLIA v. STROM**, No. 20-157 – Argued March 24, 2021  
**Issue:** Whether the 4<sup>th</sup> Amendment’s “community caretaking” exception extends to the home.

**BORDEN v. UNITED STATES**, No. 19-5410 – Argued November 3, 2020.  
**Issue:** Whether the Armed Career Criminal Act’s “use of force” clause encompasses crimes with a *mens rea* of mere recklessness.

**UNITED STATES v. GARY**, No. 20-444—Argued April 20, 2020

**Issue:** Is a defendant who pleaded guilty to felon in possessing of a firearm (18 U.S.C. 922(g)(1) and 924(a)) automatically entitled to plain-error relief if the district court did not advise him that one element is knowledge of his status as a felon, regardless of whether the district court's error affected the outcome.

**GREER v. UNITED STATES**, No. 19-8709—Argued April 20, 2020

**Issue:** May a Circuit Court review matters outside the trial record regarding whether the error affected a defendant's substantial rights or impacted the fairness, integrity, or public reputation of the trial when applying plain-error review based on an intervening decision, *Rehaif v. United States*.

**EDWARDS v. VANNOY**, No. 19-5807 – Argued December 2, 2020

**Issue:** Is *Ramos v. Louisiana* retroactive to cases on federal collateral review.?

**UNITED STATES v. TSARNAEV**, No. 20–443

**Issues:** 1) Judge's failures during *voir dire*; 2) Exclusion of evidence at sentencing of older brother's crimes.

**TAYLOR v. RIOJAS**, No. 19–1261

**Held:** Because any reasonable correctional officer should have realized that Trent Taylor's conditions of confinement offended the Eighth Amendment, the 5th Circuit erred in granting the officers qualified immunity.

**JONES v. MISSISSIPPI**, No. 18–1259 – Argued November 3, 2020

**Issue:** Does the 8<sup>th</sup> Amendment require a sentencer to find a juvenile is permanently incorrigible before imposing a life sentence without parole?